

BUSINESS REPORT

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

SENATE AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE

Date: Thursday, March 26, 2009
Place: Capitol

Time: 3:00 pm
Room: 335

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SR 18

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

SR-18 - Be adopted Preliminary _____

SB-38 - Pass as amended _____

HB 478 - Concurred as amended _____

COMMENTS:

Donald J. Steinbeisser
SEN. Donald J. Steinbeisser, Chairman

MONTANA SENATE
Roll Call
AGRICULTURE, LIVESTOCK, AND IRRIGATION

DATE: 3-26-2009

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SEN. DONALD STEINBEISSER, CHAIR	✓	
SEN. TERRY MURPHY, VICE CHAIR	✓	
SEN. GARY BRANAE	✓	
SEN. TAYLOR BROWN	✓	
SEN. BRADLEY MAXON HAMLETT	✓	
SEN. KEN HANSEN	✓	
SEN. VERDELL JACKSON	✓	
SEN. CLIFF LARSEN	✓	
SEN. RICK RIPLEY		✓



SENATE STANDING COMMITTEE REPORT

March 27, 2009

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Mr. President:

We, your committee on Agriculture, Livestock and Irrigation recommend that **House Bill 478** (third reading copy -- blue) **be concurred in as amended.**

Signed: *Donald J. Steinbeisser*
Senator Donald J. Steinbeisser, Chair

To be carried by Senator Verdell Jackson

And, that such amendments read:

1. Title, page 1, line 5.

Following: "LICENSURE"

Insert: "FEES"

2. Page 2, line 10.

Following: "means a"

Insert: "Montana"

3. Page 2, line 12.

Following: "grows"

Insert: "in Montana"

4. Page 2, line 13.

Strike: "\$3,000"

Insert: "\$1,000"

5. Page 3, line 4.

Following: "vendor"

Insert: "must be licensed but"

Following: "from the"

Insert: "license fee"

- END -

Committee Vote:

Yes 9, No 0

Fiscal Note Required ☐

HB0478001SC00436.sdr

OK



SENATE STANDING COMMITTEE REPORT

March 27, 2009

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Mr. President:

We, your committee on **Agriculture, Livestock and Irrigation** recommend that **Senate Bill 38** (first reading copy -- white) **do pass as amended.**

Signed: *Donald J. Steinbeisser*
Senator Donald J. Steinbeisser, Chair

And, that such amendments read:

1. Title, page 1, line 6 through line 7.

Following: "STOCK;"

Strike: "EXEMPTING SELLERS" on line 6 through "FEE PROVISIONS;"
on line 7

Following: "AMENDING" on line 7

Strike: "SECTIONS 80-7-105 AND"

Insert: "SECTION"

Following: "PROVIDING AN"

Insert: "IMMEDIATE"

2. Page 1, line 12 through page 2, line 10.

Strike: section 1 in its entirety

Renumber: subsequent sections

3. Page 2, line 14 through line 15.

Following: "a license" on line 14

Strike: "for each location"

Following: "department." on line 15

Insert: "If the firm, nursery, or plant dealer sells or
distributes nursery stock at more than one location, the
firm, nursery, or plant dealer shall obtain:

(a) one license if its combined annual gross sales are less
than \$10,000; and

(b) a license for each location if its gross annual sales
are \$10,000 or more."

Committee Vote:

Yes 7, No 2

Fiscal Note Required ☐

SB0038001SC.sdr

DR

4. Page 2, line 23.

Following: "nursery stock"

Insert: "must be licensed but"

Following: "from licensing"

Insert: "fees"

5. Page 2, line 25.

Strike: "\$30"

Insert: "\$50"

6. Page 2, line 26.

Following: "\$3,000"

Strike: "or more"

Insert: "but less than \$10,000"

7. Page 2, line 27.

Strike: "\$95"

Insert: "\$125"

8. Page 2.

Following: line 27

Insert: "(d) A firm, nursery, or plant dealer that earns \$10,000 or more in gross annual sales of nursery stock shall pay a license fee of \$160."

Renumber: subsequent subsections

9. Page 3, line 3 through line 5.

Strike: subsection (5) in its entirety

Renumber: subsequent subsection

10. Page 3.

Following: line 7

Insert: "COORDINATION SECTION. Section 2. Coordination

instruction. (1) If House Bill No. 478 is not passed and approved, then [this act] is void.

(2) If both House Bill No. 478 and [this act] are passed and approved, then [section 1] of House Bill No. 478, amending 80-7-105, is void and 80-7-105 must be amended as follows:

"80-7-105. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Firm" means an individual, company, partnership, association, or corporation.

(2) "Landscape service" means a firm that buys, sells, or resells nursery stock.

(3) "Nursery" means the business or location where nursery stock is grown or offered for sale or resale or as part of a landscape service.

(4) "Nursery stock" means botanically classified plants or parts of plants, including but not limited to tropical potted plants, aquatic plants, cut trees and their products, and turf or

sod grass. The following plants and plant materials may not be considered nursery stock:

- (a) field crop plants and seeds;
- (b) pasture grasses;
- (c) cut plants not for propagation;
- (d) fruits or vegetables for human or animal consumption;
- (e) cut trees and products that are going to be processed to a point that they no longer represent a pest risk; and
- (f) plant debris for disposal or processing.

(5) "Nursery stock certification" means the process by which the nursery stock or other plants have been inspected and found to meet certification standards established by department rule.

(6) "Plant dealer" means a firm that buys plants or plant products from a producer for the purpose of offering the plants or plant products for sale or resale or as part of a landscape service.

(7) "Plant inspection certificate" means a document issued by the department or the plant pest regulatory agency of another state that declares that the nursery stock, plants, or plant material grown by the firm named on the certificate is apparently free of injurious plant pests.

(8) "Plant pest" means an insect, weed, fungus, virus, bacteria, or other organism that can directly or indirectly injure or cause damage in a plant or a product of a plant and that meets the criteria as a pest established by department rule. For purposes of this chapter, noxious weeds, as defined in 7-22-2101(8)(a)(i), or other exotic weeds are defined as plant pests.

(9) "Small plant vendor" means a Montana firm that is engaged in the business of selling or distributing nursery stock, including coniferous Christmas decorations, and that:

(a) grows in Montana the nursery stock offered for sale or distribution; and

(b) has gross annual sales of less than \$1,000 in a calendar year."

11. Page 3, line 9.

Strike: "July 1, 2009"

Insert: "on passage and approval"

- END -



**PRELIMINARY
SENATE STANDING COMMITTEE REPORT**

March 27, 2009

Page 1 of 1

Mr. President:

We, your committee on **Agriculture, Livestock and Irrigation** recommend that **Senate Resolution 18** (first reading copy -- white) be adopted.

Signed: *Donald J. Steinbeisser*
Senator Donald J. Steinbeisser, Chair

- END -

Committee Vote:

Yes 9, No 0

Fiscal Note Required ☐

SR0018001SC.sdr

DR

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from _____ Committee
because of other commitments. I desire to leave my proxy vote with:

Indicate Bill number and your vote Aye or No. If there are amendments,
list them by name and number under the bill and indicate a separate vote
for each amendment.

BILL/AMENDMENT

AYE NO

SR 18	X	
SB 38 - Take from Table	X	

BILL/AMENDMENT

AYE NO

Sen. Richard R. R. R.
(Signature)

Date _____

MONTANA STATE SENATE
Visitors Register

Agriculture, Livestock, and Irrigation Committee

Date 3-26-2009

Bill No. SR 10 Sponsor(s) Senator Steinbeisser

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
<i>Patti Heebler</i>	<i>Governor</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.